

**Amendments to the Drawings:**

The drawing sheet attached in connection with the above-identified application containing Figures 1 and 2 is being presented as a new drawing sheet to be substituted for the previously submitted drawing sheet. The drawing Figure 2 has been amended. Appended to this amendment is an annotated copy of the previous drawing sheet which has been marked to show changes presented in the replacement sheet of the drawing.

The specific change which has been made to Figure 2 is the removal of the reference numeral 9 not having a lead line, as shown in the attached annotated drawing sheet.

### **REMARKS**

The Applicant respectfully requests reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow. Claims 1-8 have been rejected by the Examiner. Claims 1 and 7 have been amended. No new matter has been added. Accordingly, claims 1-8 will be pending in the present Application upon entry of this Reply and Amendment.

A detailed listing of all claims that are, or were, in the Application, irrespective of whether the claim(s) remain under examination in the Application, is presented, with an appropriate defined status identifier.

#### **Objection to the Drawings**

In section 2 of the Office Action, the drawings were objected to. The Examiner stated:

The drawings are objected to because Figure 2 contains two reference character 9. One reference character 9 has no lead indicating the part of the drawing it represents.

The Applicant has submitted a replacement drawing sheet amending Figure 2 to remove the reference numeral 9 not having a lead line. The Applicant respectfully requests that the objection to the drawings be withdrawn.

#### **Claim Rejections – 35 U.S.C. § 112 ¶ 2**

In section 4 of the Office Action, the Examiner rejected Claims 1-8 under 35 U.S.C. § 112 ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Claims 1 and 7 have been amended, are definite and in compliance with 35 U.S.C. § 112 ¶ 2. The Applicant requests reconsideration and withdrawal of the rejection of claims 1-8 under 35 U.S.C. § 112 ¶ 2.

The Applicant notes that the claim amendments described above are intended to clarify the language used in the amended claims, and are in no way intended as limiting or to obtain patentability of such claims. Accordingly, it is believed by the Applicant that the

amendments made to the claims in no way impair the ability of the Applicant to obtain the full scope of such claims as may be available under the Doctrine of Equivalents.

**Claim Rejections – 35 U.S.C. § 103**

On page Claims 1-5 and 7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,410,610 to Quist in view of U.S. Patent No. 4,859,547 to Adams et al. Dependent claims 4, 6, 7, and 8 have also been rejected under 35 U.S.C. § 103(a) as being unpatentable over Quist in view of Adams et al. and further in view of various other cited references (U.S. Patent No. 5,273,845 to McHenry et al., U.S. Patent No. 4,775,604 to Dougherty et al., and U.S. Patent No. 4,164,609 to Jensen). These rejections should be withdrawn, because the cited references fail to disclose, teach, or suggest the claimed invention.

For example, Quist and Adams et al., alone or in any proper combination with any of the other cited references, fail to disclose, teach, or suggest a “rechargeable battery having a cover” where, among other elements, “a first section of the pole shank is electrically conductively connected in a gas-tight and liquid-tight manner to the inner surface of the pole sleeve [and] a sliding element [is] provided between a second section of the pole shank and the inner surface of the pole sleeve . . . wherein the diameter of the first section is smaller than the diameter of the second section,” as recited in independent claim 1 (as amended).

Quist is directed to a “pole bushing for batteries” and teaches using a post that contacts both a metal sleeve (1) and a sealing material (2) while maintaining a constant diameter (see Fig. 3), rather than utilizing a pole shank having a first section having a smaller diameter than a second section, as required by independent claim 1.

Adams et al. is directed to a “battery terminal” and teaches the use of a constant-diameter “post means 20,” rather than a pole shank having a first section having a smaller diameter than a second section, as required by independent claim 1.

The Examiner has cited to no teaching in the prior art of a “rechargeable battery having a cover” where, among other elements, “a first section of the pole shank is electrically

conductively connected in a gas-tight and liquid-tight manner to the inner surface of the pole sleeve [and] a sliding element [is] provided between a second section of the pole shank and the inner surface of the pole sleeve . . . wherein the diameter of the first section is smaller than the diameter of the second section.” The Applicant submits that the only evidence of a teaching of such a feature is contained in the present application. Of course, any reliance on the present application would constitute impermissible hindsight.

The Applicant respectfully requests the withdrawal of the rejection of Claim 1, since at least one element of Claim 1 is not disclosed, taught, or suggested by the combination of Quist and Adams et al., alone or in combination with any of the other cited references. Claims 2-8 depend variously from Claim 1 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable limitations set forth in such claims. Reconsideration and withdrawal of the rejections of Claims 1-8 is respectfully requested.

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It is submitted that each outstanding objection and rejection to the Application has been overcome, and that the Application is in condition for allowance. The Applicant requests consideration and allowance of all pending claims.

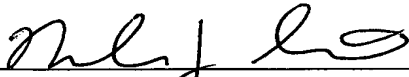
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present Application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this Application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 3/13/2007

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